

**Permitting & Assistance Branch Staff Report**  
Modified Solid Waste Facilities Permit for  
Universal Refuse Removal Recycling and Transfer Facility  
SWIS No. 37-AA-0929  
April 30, 2014

**Background Information, Analysis, and Findings:**

This report was developed in response to the County of San Diego Department of Environmental Health – Solid Waste Local Enforcement Agency’s (LEA) request for the Department of Resources Recycling and Recovery (Department) concurrence on the issuance of a proposed modified Solid Waste Facilities Permit (SWFP) for Universal Refuse Removal Recycling and Transfer Facility located in the City of El Cajon, and owned by the City of El Cajon, and operated by Universal Refuse Removal. A copy of the proposed permit is attached. This report contains Permitting & Assistance Branch staff’s analysis, findings, and recommendations.

The proposed permit was initially received on April 11, 2014. A new proposed permit was received on April 29, 2014. Action must be taken on this permit no later than June 28, 2014. If no action is taken by June 28, 2014, the Department will be deemed to have concurred with the issuance of the proposed modified SWFP.

**Proposed Project:**

The following changes to the first page of the permit are being proposed:

	Current Permit (2008)	Proposed Permit
Name and Address of Land Owner	City of El Cajon 200 E. Main Street El Cajon, CA 92020	City of El Cajon 200 Civic Center Way El Cajon, CA 92020
Permitted Traffic Volume	1822 PCE/day Maximum Permitted Waste/Materials Hauling Traffic Volume (Passenger Car Equivalents, see Permit Condition 16.h)	Deleted

Other Changes include:

1. Submittal of a revised Transfer/Processing Report (TPR), dated January 2014, to reflect the updates and current operating conditions;
2. Revisions to the following sections of the SWFP: “Legal Description of the Facility,” “Findings,” “Documents,” and “LEA Conditions” including rewording, additions and/or deletions for the purpose of updating and/or clarifying; and
3. Removal of the construction and demolition material processing equipment and sort line.

**Key Issues:**

The proposed permit will update the land owner and LEA address, correct the legal description of the facility, update the permit Findings, and update the Transfer/Processing Report to correct grammatical and typographical errors and current operating conditions. There will be no increase in the permitted daily tonnage received, acreage, or changes in the days or hours of operation. The land owner address was changed, but there will be no change in ownership. The

maximum traffic volume was deleted from page one of the permit since it is essentially enforced as a product of the maximum tonnage per day limit already specified in the permit.

**Findings:**

Staff recommends concurrence in the issuance of the proposed modified SWFP. All of the required submittals and findings required by Title 27 of the California Code of Regulations (27 CCR), Section 21685, have been provided and made. Staff has determined that the California Environmental Quality Act (CEQA) requirements have been met to support concurrence. The findings that are required to be made by the Department when reaching a determination are summarized in the following table. The documents on which staff's findings are based have been provided to the Branch Chief with this Staff Report and are permanently maintained by the Waste Permitting, Compliance, and Mitigation Division.

27 CCR Sections	Findings	
21685(b)(1) LEA Certified Complete and Correct Report of Facility Information	The LEA provided the required certification in their permit submittal letter dated April 7, 2014.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(2) LEA Five Year Permit Review	A Permit Review Report was prepared by the LEA on September 4, 2013. The LEA provided a copy to the Department on September 16, 2013.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(3) Solid Waste Facility Permit	Staff received a proposed Solid Waste Facilities Permit on April 29, 2014.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685 (b)(4)(A) Consistency with Public Resources Code 50001	The LEA in their permit submittal package received on April 11, 2014, provided a finding that the facility is consistent with PRC 50001. Waste Evaluation & Enforcement Branch (WEEB) staff in the Jurisdiction Product & Compliance Unit found the facility is identified in the Non-Disposal Facility Element, as described in their memorandum dated April 15, 2014.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(8) Operations Consistent with State Minimum Standards	WEEB staff in the Inspections and Enforcement Agency Compliance Unit found that the facility was in compliance with all operating and design requirements during an inspection conducted on April 17, 2014. See Compliance History below for details.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(9) LEA CEQA Finding	The LEA provided a finding in their permit submittal package received on April 11, 2014, that the proposed permit is consistent with and supported by the existing CEQA documentation. See Environmental Analysis below for details.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
CEQA Determination to Support Responsible Agency's Findings	The Department is a responsible agency under CEQA with respect to this project. Permitting and Assistance Branch staff has determined that the CEQA record can be used to support the Branch Chief's action on the proposed modified SWFP.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable

**Compliance History:**

WEEB staff in the Inspections and Enforcement Agency Compliance Unit conducted a pre-permit inspection on April 17, 2014, and found the facility to be in compliance with applicable state minimum standards and permit conditions.

Below are the details of the transfer/processing facility's compliance history based on the LEA's monthly inspection reports during the last five years:

- 2012 – 2014 (April), No violations were noted.
- 2011 (March) – One violation of PRC 44014(b) – Operator Complies With Terms and Conditions
- 2010 – No violations were noted.
- 2009 (November) – One violation of PRC 44014(b) – Operator Complies With Terms and Conditions

The violations were corrected to the satisfaction of the LEA.

**Environmental Analysis:**

Under the California Environmental Quality Act (CEQA), the Department must consider, and avoid or substantially lessen where possible, any potentially significant environmental impacts of the proposed SWFP before the Department concurs in it. In this case, the Department is a Responsible Agency under CEQA and must make a determination as to whether this modified SWFP is categorically or statutorily exempt or additional CEQA analysis is necessary.

The changes in the proposed permit include correction to the legal description of the facility, removal of maximum traffic volume from page one of the permit, updated owner and LEA addresses, and updated permit Findings; along with other changes for the purpose of updating and/or clarifying the permit. There will be no increase in the permitted daily tonnage received, acreage, or changes in the days or hours of operation.

A Mitigated Negative Declaration (MND), State Clearinghouse (SCH) No. 2008041011, was circulated by the City of El Cajon, Community Development Department, Planning Division, acting as Lead Agency, from April 2, 2008 through May 1, 2008. The MND analyzed expansion of the existing solid waste transfer station building from 25,370 square feet to 39,750 square feet, construction of a 64 square foot scale house building, facilitation of sorting and separating recyclable materials, including construction and demolition debris as well as other materials, with the unloading of trucks and sorting of materials conducted within the building. There were no changes in permitted acreage (5.2 acres), hours of operation (24 hours, Sunday through Saturday), maximum permitted tonnage (2,000 tons per day), maximum permitted traffic volume (1,822 passenger car equivalents (PCE) per day, with transfer trucks 4 PCEs; collection trucks and roll off trucks 2 PCEs and pickup trucks/vans/cars 1 PCE), or design capacity (2,000 tons per day). The MND was approved by the Lead Agency on May 5, 2008, and a Notice of Determination was filed with the State Clearinghouse on May 8, 2008.

The LEA has provided a finding that the proposed modified SWFP is consistent with and supported by the existing environmental documents and will file a Notice of Exemption,

pursuant to 14 CCR, Section 15301, Categorical Exemption, Class 1 – Existing Facilities following the issuance of the modified SWFP. This Categorical Exemption allows for the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing private facilities involving negligible or no expansion of use beyond that existing at the time of the lead agency's initial approval of the project.

Department staff conducted a preliminary review to determine if a Categorical Exemption is adequate for the Department's concurrence on this modified SWFP. Department staff made the finding/determination that a Categorical Exemption, 14 CCR Section 15301 – Existing Facilities was adequate for the Department's concurrence of this modified SWFP. Staff's finding is based on the premise that there is "negligible or no expansion of use beyond that existing at the time of the lead agency's determination."

Staff recommends that the Department, acting as a Responsible Agency under CEQA, prepare a Notice of Exemption, based on the Categorical Exemption for existing facilities, to be filed with the State Clearinghouse after the Department's concurrence of the modified SWFP in that the proposed permit is to be issued to an existing facility that will not expand or significantly change its operations beyond that existing. Further, there are no grounds under CEQA for the Department to prepare an environmental document or assume the role of Lead Agency for its consideration of the proposed modified SWFP.

Department staff further recommends the Categorical Exemption is adequate for the Branch Chief's environmental evaluation of the proposed project for those project activities which are within the Department's expertise and authority, or which are required to be carried out or approved by the Department.

The administrative record for the decision to be made by the Department includes the administrative record before the LEA, the proposed modified SWFP and all of its components and supporting documentation, this staff report, the MND adopted by the Lead Agency, and other documents and materials utilized by the Department in reaching its decision on concurrence in, or objection to, the proposed modified SWFP. The custodian of the Department's administrative record is Dona Sturgess, Legal Office, Department of Resources Recycling and Recovery, P.O. Box 4025, Sacramento, CA 95812-4025.

**Public Comments:**

The Department staff provided an opportunity for public comment during the CalRecycle Monthly Public Meeting on April 15, 2014. No comments have been received by Department staff.